

**MINUTES  
LANGHORNE MANOR BOROUGH COUNCIL  
MEETING OF NOVEMBER 3, 2004**

**1. CALL TO ORDER** - The meeting of Langhorne Manor Borough was called to order in the Langhorne Manor Borough Hall, 618 Hulmeville Avenue, Langhorne, Pennsylvania, on Tuesday, November 3, 2004, at 8:05 P.M. Eastern Standard Time by Maryann Barnes President.

At this point in the meeting, Mayor Farmer led us in the "Pledge of Allegiance."

**PERSONS PRESENT** – Maryann Barnes, President; Robert Byrne; Stephen Galazin; Sharon Gimpel; William McTigue, Vice President; Nicholas Pizzola; Steven Yourtee; Francis J. Farmer Mayor; Loretta M. Luff, Secretary/Treasurer and Thomas J. Profy III, Solicitor.

**PERSON ABSENT**

**2. APPROVAL OF MINUTES** –Mrs. Barnes entertained a motion to approve the minutes of the October 5, 2004 Borough Council meeting. Motion was made by Mr. Galazin and seconded by Mr. McTigue to approve the minutes as amended. No objections were presented. Ms. Gimpel abstained. Motions carried.

Mrs. Barnes stated that the notice for bids was advertised for the 2005 snow removal and the bid would be awarded this evening. There was only one bid received from K. E. Seifert Inc. The bid proposal was \$60.00 for the original start up cost, second start up cost within twenty-four hours is \$35.00, hourly service rate is \$68.25, combination mixture of Cinder and salt is \$110.00 per ton. The increases from last year are \$10.00 per ton for the combination of salt and cinder and \$3.25 for the hourly rate.

Mayor Farmer informed Mr. Seifert that Mr. Yourtee is to be contacted as he is in charge of roads.

Motion was made by Mr. Yourtee and seconded by Mr. McTigue to accept the bid proposed from K. E. Seifert Inc. for snow removal for 2004- 2005 as presented.

Mrs. Gimpel inquired if K. E. Seifert Inc. insurance certificate was attached to the bid. Mr. Profy replied that they had produced a certificate of insurance.

Motion was made and seconded to accept the bid proposed by K. E. Seifert Inc. as presented. No objections were presented. Motion carried.

**3. POLICE REPORT** – Mayor Farmer gave the police report for the month of October 2004. Mayor Farmer reported that while Chief Bumm was on vacation Officer Fetzer was acting Sergeant and he had attended two meetings with the Secret Service and the State Police pertaining to the closing of Highway Route 1 as the President was going to be speaking in the area and they would be using Highway Route 1 for the motorcade. There were five officers from Langhorne Manor, two

officers from Hulmeville and one from Langhorne Borough. Mayor Farmer reported that Officer Fetzer did an excellent job coordinating all that had to be done pertaining to the closing of Highway Route 1 in our area.

Mr. Yourtee asked if Council could receive a report when the Police Department conducts the truck inspection. Mayor Farmer replied that a truck inspection had been conducted in October, seven trucks were stopped, and the total fines for the Manor were approximate \$700.00.

Ms. Gimpel asked if Council could receive a break down on the police hours as to what part is patrol hours and court hours. Mayor Farmer gave the break down totals for October 2004.

#### **4. COMMENTS FROM RESIDENTS & VISITORS –**

The next four pages are scanned from Mr. Anthony J. Argenti comments.

October, 28, 2004

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Anthony J. Argenti  
402 Hulmeville Ave.  
Langhorne, Pa. 19047  
215-752-2229

Langhorne Manor Borough Council  
Langhorne, Pa.

Members of Langhorne Manor Borough Council,

My name is Anthony J. Argenti and live at 402 Hulmeville Ave. in Langhorne Manor. I am writing this letter to alert Langhorne Borough Council and the Zoning Board about a new building construction on 404 Hulmeville Ave. owned by David and Patricia Silcox.

I strongly believe that this new building doesn't meet the Langhorne Manor Zoning Ordinance due to the excessive height of this structure.

On Saturday, October 23, 2004, approximately 5 pm, I phoned Frank Farmer and Maryann Barnes concerning the height of this building on 404 Hulmeville Ave. I expressed my concern about this structure because it appears to be a GARAGE with a second level. I was informed by Mr. Farmer and Maryann Barnes that they would be in touch with Joe Bush, Langhorne Manor Building Inspector, and request that Mr. Bush contact me to try and clear any misunderstanding. Mr. Bush phoned me that evening and informed me that the structure met the Langhorne Manor Zoning Ordinance. I informed Mr. Bush that when I built my garage, it couldn't be higher than 15 feet. Mr. Bush said if I wanted to check the Langhorne Manor Zoning Ordinances, there is a copy at the Library on Flowers Ave. and Pine Street. On Monday, October 25, I went to the Library and found the Langhorne Manor Zoning Ordinance and the Rule pertaining to Height Regulations of Buildings. (See attached copy of Langhorne Manor Zoning Ordinance)

Page 40 Rule E

Section 517 Maximum Height of Buildings

- a. No building shall exceed the maximum height of buildings specified in Section 603, except that **ACCESSORY BUILDINGS OR GARAGES shall not exceed fifteen (15) feet in height.**

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According to the Langhorne Manor Zoning Ordinance, the address of 402 and 404 Hulmeville Ave. are in RESIDENTIAL DISTRICT B, *RR*, which reads:

The purpose and intent of this district is to retain the character and to maintain the existing medium residential density areas where single-family homes are permitted, as well as to encourage efficient land development while providing for the preservation of permanent open space and natural resources.

- Please see the attached picture.

The building being constructed on 404 Hulmeville Ave. has two levels with provisions for 2 overhead garage doors on the lower level and a second level currently with four windows. This building is clearly in excess of **fifteen (15) feet high**. ( 4 x 8ft. plywood w/ 8ft side standing vertical on lower level, approximately 10- 12 inches vertical floor joist, and on the second level, 4 x 8ft. plywood w/8ft. side standing vertical, which adds up to be approximately **seventeen (17) feet high** before the roof is added on.

What is this *building*?

- A garage
- A garage with a large second level for storage
- A garage with a second level office space
- A garage with a second level living space
- A garage with a second level providing rental income
- A small house

Mr. Silcox is in the landscape business, will he be using this building to expand his business? What is the *INTENDED USE* of the building. I believe all residents of Langhorne Manor Borough have a right to know. We are in a *RESIDENTIAL* only District. Please read the following Langhorne Manor Zoning Ordinance:

Page 65 *Article IX NONCONFORMATIES*  
Section 900 Definitions

- a. **NON-CONFORMING USE** means a use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the application of such ordinance.

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- b. **NON-CONFORMING STRUCTURE OR LOT** means a Structure or part of a structure not designed to comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance. Such nonconforming structures include, but are not limited to, nonconforming signs.

Also, I have a strong concern about the manner in which this building will be heated and where the chimney will be placed to emit the smoke and emissions.

- a. Mr. Silcox used a wood stove to heat his previous garage. A mal function occurred and his garage burned down.
  - My garage is close to this new building (approximately 20 ft) and I have Classic and Antique Cars. My concern is that there could be another fire.
- b. Placement of the chimney. I have serious concern about the smoke and emissions of this new building because of fumes and smoke from his previous garage, green house, house chimney, and outside burning, would drift over to my property and infiltrate the area of our kitchen, recreation room, and upper level bedrooms.
  - His house chimney emits a thick gray smoke which the wind current carries the smoke and infiltrates our house. (I will address this matter in another letter to Mr. Silcox and Langhorne Manor Borough Council)

Should the height of this building be allowed to exceed fifteen (15) feet, will all garages or accessory buildings that are in existence or new construction be allowed to be at what height?

Our community has zoning ordinances in place to ensure the natural, scenic, historic, and aesthetic values of our properties for the present and future generations. I am curious as to how a building permit was granted when the design and plans of the garage with a second level was reviewed by the Building Inspector. How was this allowed? When I applied for my garage building permit, I was forced to do a variance because my neighbor assumed that I was going to start an auto repair business. Langhorne Manor Borough Solicitor *Thomas Proffy* advised and insisted to Langhorne Manor Borough Council that I go for a **Variance** to ensure the integrity of Langhorne Manor Borough and to satisfy my neighbor's concerns of **non-conforming use and non-conforming structure** (the size of the garage (24 x 36), placement of the garage, and the intended use of the garage, no auto repair business, no paintbooth, no car lift, no running water, no converting to living space, no rental income, no warehouse)

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For the above reasons, I request that the building plans for the new construction at 404 Hulmeville Ave. be thoroughly examined by the Langhorne Manor Borough Building Inspector, Langhorne Manor Borough Council, and Langhorne Manor Borough Zoning Board, in order to keep the building in accordance with the Langhorne Manor Borough Zoning Ordinances, especially the 15 FEET HEIGHT LIMIT and the INTENDED USE of this building.

I look forward to seeing you at the next meeting of borough council on Wednesday November 3, 2004 to help resolve and understand the issues presented in this letter.

Sincerely,



Anthony J. Argenti

Mr. Bush stated that after the fire that had destroyed the Silcox's garage, Mr. Silcox stated that they wanted to put an addition on the rear of their house that would be connected to the new garage with a room over the new garage. They decided to build the garage first so that they could get rid of the storage trailers that they had rented and move the things being stored in the trailers into the garage and remove the trailers as phase 1 of construction. As phase 2 of the construction they would build the addition between the existing house and the new garage. Mr. Silcox submitted a site plan

sealed by a professional engineer showing that the addition and garage meets all the criteria of the current zoning ordinance. I explained to Mr. Argenti on the phone that the second floor could not be used, except for storage until both phases of the work were completed and a certificate of occupancy was issued. I also explained that I was not the Zoning Officer when his garage was constructed and was not aware of the circumstances regarding the construction of his garage, but would check his file and/or check with Mr. Profy on the conditions of his variance. It is my interpretation that because the garage will be attached to the house that it is not an accessory building and meets section 603 of the zoning ordinance. There are many garages in the Borough built as part of the house which have a floor over them and exceed fifteen feet in height

Mr. Argenti stated that the addition being built is too high and he is protesting the building that the Silcox's are erecting

Mr., Profy suggested that Mr. Argenti meet with Mr. Bush and discuss the Silcox's addition.

Mr. Profy asked if the new garage is being built to replace the one that had been destroyed by the fire.

Mr. Argenti answered that the previous garage was 24' x 24' and it was no higher than 15'.

Mr. Profy stated that he would review this matter with Mr. Bush.

Mayor Farmer stated that Mr. Bush reported that the Silcox's are going to build an addition on to the house that will connect to the new garage and they wanted to erect the garage first so they can store their items in it while the addition is being built.

Mrs. Barnes recommended that Mr. & Mrs. Argenti meet with Mr. Bush and Mr. Profy and discuss this matter.

Mr. Profy suggested that he and Mr. Bush would meet and discuss this matter and then they would get back to Mr. & Mrs. Argenti.

Mr. Argenti stated that he would like the heating system that the Silcox's would be using discussed at the December 7, 2004 Council meeting.

Mr. McTigue asked if the building plans had been submitted to the Zoning Hearing Board. Mr. Bush replied that it had not been and the only time they are submitted to the Zoning Hearing Board is if they do not meet the zoning ordinance and require a variance or variances.

Mrs. Barnes stated that following the meeting between Mr. Bush and Mr. Profy, someone would be in contact with Mr. Argenti.

**5. COMMITTEE REPORTS** – Mrs. Barnes reported that she had no report for the Planning Commission.

Mr. Byrne reported that a light had been repaired at Prospect and Station Avenue. Mrs. Barnes reported a light out on Hill Avenue near Richardson Avenue. Mr. Byrne stated that he would check to see if it is one of our lights.

Mr. Byrne reported that the deck at 616 Hulmeville Avenue had been power washed and half of it had been stained, also the steps had been rebuilt and all loose nails in the floorboards had been fixed.

Mr. Byrne reported that a dehumidifier was needed for the basement at 616 Hulmeville Avenue at a cost of \$219.00, a five-year on site maintenance contract for \$89.00 and a hose for \$4.00 for a total of \$312.00 to be purchased at Sears.

Motion was made by Mr. Pizzola and seconded by Mr. Galazin to authorize the purchase of a dehumidifier at a cost of \$335.00 for the basement of 616 Hulmeville Avenue. No objections were presented. Motion carried.

Ms. Gimpel – No report.

Mr. Galazin – No report.

Mr. McTigue reported the dates for the fall leaf pick-up would be Wednesdays, November 17, December 1, and December 15, 2004. Mr. McTigue would be getting a mailing out to the residents informing them of the dates by the weekend.

Ms. Gimpel stated that she had not seen the dates listed on the web site. Mr. McTigue stated that he would contact Mrs. Bartnikowski and have her add the dates to the web site for leaf pick-up.

Mr. Pizzola explained the changes in the format of the financial report that would be given every month. Mr. Pizzola thanked Ms. Gimpel as she has been working with Mrs. Luff and spent extra time gathering the information from the financial statements that Council members had received in the past. Mr. Pizzola reported that by using the new format it would make the auditor's that perform the DCED report much easier, as the new format will correspond with the DCED format. Mr. Pizzola reported that the budget will be based on the new format and Council will be able to see where the money is being spent and what is budgeted. There will also be a year to date listed showing the total spent up to that month. Mr. Pizzola explained that the format presented this evening only pertains to the General Fund, he would like to revise the other accounts, Sewer and Highway Aid within the next month.

Ms. Gimpel explained how she got the figures shown in the new format for 2002, 2003, and 2004. Ms. Gimpel explained that she had put the figures together and some adjustments had been made upon her knowledge. Ms. Gimpel discussed how different items had been applied to the wrong

accounts in the past; particularly some deposits and fire tax amount due, with the new format hopefully this would alleviate some these kinds of problems.

Mr. Pizzola stated that a second meeting will be necessary this month so the preliminary budget can be presented.

Mr. Profy replied that a second meeting would be held on Tuesday November 16, 2004 at 8:00 P.M. and he would have the advertisement for the adoption of the ordinance in the Advance newspaper.

Mr. Yourtee reported that the repairs to the Borough streets and the areas around the four manholes had been completed by Langhorne Paving Company and he had a bill for \$7,785.00 for the street repairs and \$4,630.00 for the areas around the four manholes. Mr. Yourtee asked for the two bills be added to the bill list this evening,

Mr. Yourtee reported that the Community Service Project had been completed. The gentleman who repaired the deck, removed the debris from the bank behind the Borough Hall, removed the items from the basement, removed and repaired portions of the fence of 616 Hulmeville Avenue, and cleaned the gutters on the garage, 616 and 618 Hulmeville has completed his forty hours of Community Service.

Mr. Yourtee reported that one of the other gentlemen got in touch with him again and would like to get his thirty six hours in as soon as possible. It was mentioned that he could do leaves, clear the storm drains of debris, pick-up trash along the Access Roads, clear leaves out of the road gutters and grade the crawl space in the basement of 616 Hulmeville Avenue. Mr. Yourtee asked if there were any volunteers to over see this person.

**6. MAYOR'S REPORT** –Mayor Farmer reported that there is personal issue that he wants to discuss at an Executive Session following the Council meeting this evening.

**7. SOLICITOR'S REPORT** – Mr. Profy spoke on the Inflow/Infiltration Project, he had received a cost proposal from John Swenson from Carroll Engineering. Mr. Profy would like Council to review the proposal and make a decision as to how they will handle this project at the November 16, 2004 meeting.

**8. INSPECTOR'S REPORT** – Mr. Bush gave the Inspector's Report for the month of October 2004. Mr. Bush reported that he had met with Mr. Sutter from Senator Tomlinson's office concerning the paper work for the water problem at 217 Hulmeville Ave.

**9. CORRESPONDENCE** –No correspondence.

**10. APPROVAL OF THE BILL AND TREASURER'S REPORT** –Mrs. Barnes stated that all Council members had received a copy of the bill list for payment. She asked if there were any questions or discussions.. Motion was made by Mr. McTigue and seconded by Mr. Yourtee to amend the bill list to include the payment to Langhorne Paving Company for \$7785.00 and 4630.00 for street repairs and \$312.00 for a dehumidifier for 616 Hulmeville Avenue and reimburses Mrs. Luff \$40.00 for the purchase of the new coffee maker. Ms. Gimpel opposed. Motion carried.

Mrs. Barnes entertained a motion to approve the Treasurer's report as presented. Motion was made by Mr. Pizzola and seconded by Mr. Byrne to approve the Treasurer's report as presented. Ms. Gimpel opposed. Motion carried.

**11. SECOND MEETING** –Mrs. Barnes announced that a second meeting is scheduled for Tuesday November 16, 2004 to discuss the preliminary budget.

Ms. Gimpel asked Mr. Profy when the Borough would be receiving the audit report. Mr. Profy replied that he had spoke with the auditors last week and that they were finalizing their work.

Ms. Gimpel asked if a budget is needed for the sewer accounts. Mr. Profy replied that in the past it has been handled on a cash basis, cash received and cash disbursed. Ms. Gimpel stated that she had spoke with someone from the Department of Community & Economic Development (DCED)and they said, since resident's money is coming in and going out a budget should be prepared every year and a copy of the tax ordinance should be sent to them within fifteen days of its adoption. Mr. Profy stated that he does not believe that it had been done in the past. Mr. Profy stated that an annual report is sent to the Department of Community & Economic Development and the budget is published after its adoption, but they have not sent DCED a copy of the budget.

Ms. Gimpel stated that she noticed in the Borough Code Book, section 1310. Adoption of budget; Tax Ordinance-upon completion of the budget, containing the estimated receipts and expenditures, and its adoption by motion in Council, which shall not be later than December thirty-first, it shall be the duty of the Council to adopt an ordinance levying the taxes referred to in this act for fiscal year for approval of the mayor or passage over his veto. (section 1310 amended June 22, 2000, P.L.325, No.34)

Mr. Profy stated that he would look into both of those matters and advise Borough Council at the November 16, 2004 meeting.

**12. ADJOURNMENT** – Motion was made by Mr. Pizzola and seconded by Mr. Byrne to adjourn this meeting to be followed by an Executive Session. No objections were presented. Motion carried. This meeting adjourned at 9:36 P.M.

The next meeting will be Tuesday November 16, 2004 at 8:00 P.M.

Respectfully submitted,

Loretta M. Luff  
Secretary/Treasurer  
Langhorne Manor Borough